



State of California  
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**Inquiry:** In your latest issue of "Respiratory Update", September 2002, the article that addresses "Scope of Practice" (pages 14 & 15), there are inquiries about non-licensed personnel setting-up, giving instruction, etc. for the purpose of deriving an intended medical benefit prescribed by a physician. Does this include set-up and instruction for 1) Peak flow meters and 2) Incentive Spirometers (Coach 2, made by DHD Healthcare)?

**Response:** Section 3702 describes the practice of Respiratory Care as therapy, management, rehabilitation, diagnostic evaluation and care of patients with deficiencies and abnormalities that affect the pulmonary system. Based upon that statement, I would include Peak flow meters and Incentive Spirometers in the category of a diagnostic evaluation, thus requiring a licensed practitioner to perform the instruction.

The Board has developed a task force to further review this issue and those associated with sleep studies and pulmonary function studies. I would encourage you to keep in close contact with the Executive Officer of the Board for any changes to the Practice Act on this matter.

Reference # 2002-C-40

*This determination does not constitute a declaratory decision under the comprehensive provisions of Government Code sections 11465.10 - 11465.70.*